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STEELMAN *v.* LAFFERTY.

June 8, 1911.

[71 S. E. 524.]

**1. Fish (§ 7\*)—Oyster Beds—Easements—Dominant Tenements.**—Where a plaintiff brought ejectment for oyster beds, claiming them as appurtenant to his land, but failed to prove the location of his land, or that it was adjacent to the oyster beds, a judgment in his favor cannot be supported, for the dominant tenement must first be located before the existence of the servient tenement can be determined.

[Ed. Note.—For other cases, see Fish, Dec. Dig. § 7.\* 4 Va.-W. Va. Enc. Dig. 910; 4 Va.-W. Va. Enc. Dig. 853.]

**2. Ejectment (§ 111\*)—Verdict—Effect.**—As a verdict in ejectment which finds for part only of the lands sued for must designate the boundaries of such property, or refer to some certain standard from which they can be ascertained, a verdict which referred to a declaration which described certain lands, but gave no starting point from which they could be identified, is insufficient to support a judgment.

[Ed. Note.—For other cases, see Ejectment, Cent. Dig. §§ 327-345; Dec. Dig. § 111.\* 4 Va.-W. Va. Enc. Dig. 914.]

**3. Ejectment (§ 90\*)—Evidence—Admissibility.**—In an action of ejectment, where oyster beds were claimed as appurtenant to certain upland, evidence of a grant of that same land to one other than the plaintiff is admissible, tending to show an outstanding legal title in some one other than the plaintiff.

[Ed. Note.—For other cases, see Ejectment, Cent. Dig. §§ 254-277; Dec. Dig. § 90.\* 4 Va.-W. Va. Enc. Dig. 908.]

Error to Circuit Court, Northampton County.

Ejectment by A. B. Lafferty against N. B. Steelman. From a judgment for plaintiff, defendant brings error. Reversed and remanded.

*Otho F. Meyers*, for plaintiff in error.

*Gardiner R. Nottingham* and *Thos. B. Robertson*, for defendant in error.

ALLISON *v.* CITY OF FREDERICKSBURG.

June 8, 1911.

[71 S. E. 525.]

**1. Negligence (§ 58\*)—Proximate Cause.**—To warrant a finding that negligence, or an act not amounting to wanton wrong, is the

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.